

The claims have now been amended in response to this rejection, and the amended claims are believed to overcome the rejection.

The Examiner will note that Applicants have changed “consisting” to --comprising-- in the claims. It is very clear from the description that the eye patch is composed of more than just “at least one layer of foamed material”. The term “at least” would support --comprising--.

Regarding Claim 13, Step (f), the Examiner will note that the inner layer is coated out onto the top layer. If, however, an optional interlayer is present, an inner layer can be coated out onto it. This will be clearly understood by those skilled in the art, especially after having read Page 4 of the Specification.

Turning now to the art rejections, Claims 1-13 (i.e., all of the pending claims) stand rejected under 35 U.S.C. 103(a) as obvious over Riedel, in view of Kenndoff, further in view of Martz and Kohn.

The Riedel reference deals with an eye patch, but has nothing to do with the use of foam for an eye patch. Riedel uses a microporous film. A microporous film is not a foam! A foam can be open celled or closed celled. A foam has cells which are of much greater diameter than the pores in a microporous film.

In addition, the maximum thickness of Riedel’s film (0.008 inch; col 4, line 16) is much thinner than applicants’ minimum of 400 μm (page 2, third paragraph from the

bottom).

Kenndoff, on the other hand, is concerned with a wound dressing, so his teachings would not lead those skilled in the art to anything concerning eye patches. There is no basis upon which Kenndoff's foams would ever be applied to Riedel's eye patches.

The surgical dressing of the Martz reference has absolutely nothing whatsoever to do with a light occlusive eye patch, and has nothing that could be combined with the other references that would bring them any closer to applicants' novel light occlusive eye patch.

Kohn's protective covering does not in any way compensate for the difference between Riedel and the present invention.

Moreover, Riedel's teaching of a maximum thickness of 0.008 inch, and his emphasis on a thin film, would teach away from anything that would increase the thickness of the eye patch. Therefore, Riedel teaches away from using Applicants' foam.

No combination of Riedel, Kenndoff, Martz and Kohn could possibly lead those skilled in the art to applicants' light occlusive eye patch. The rejection of Claims 1-13 under 35 U.S.C. 103(a) as obvious over said combination of references should accordingly be withdrawn.

In view of the present amendments and remarks, it is believed that claims 1-13 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.



CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to the Assistant Commissioner For Patents, Washington, D.C. 20231 on May 22, 2000.

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Date 5/22/00